EXHIBIT 35

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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IN RE: NATIONAL PRESCRIPTION OPIATE LITIGATION	:	HON. DAN A. POLSTER
APPLIES TO ALL CASES	:	NO. 1:17-MD-2804

- HIGHLY CONFIDENTIAL -

SUBJECT TO FURTHER CONFIDENTIALITY REVIEW

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April 17, 2019

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Videotaped deposition of THOMAS PREVOZNIK, taken pursuant to notice, was held at the law offices of Williams & Connolly, 725 12th Street, Washington, D.C., beginning at 9:11 a.m., on the above date, before Michelle L. Gray, a Registered Professional Reporter, Certified Shorthand Reporter, Certified Realtime Reporter, and Notary Public.

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Q. But neither the statute nor the regulation says explicitly that manufacturers need to know their customers' customers, do they?

A. It does not say that explicitly. But it does say that you need to guard against diversion.

Q. Has the DEA ever provided guidance to the industry in writing informing registrants that they are to know their customers' customers?

A. Not that I'm aware of.

Q. Has DEA provided any other kind of guidance, besides written guidance, informing manufacturers of any duty to know their customers' customers?

A. Well, again it comes down to what information you have. So if you have that information, you have the duty to protect and guard against the diversion.

So if you have that information, you're to guard against diversion of controlled substances.

Q. But to my question, has the DEA ever provided any kind of guidance to manufacturers informing them that they were to know their customers' customer?

A. No, not to my knowledge.

Q. Okay. Let's talk for a minute about ARCOS.

Generally speaking, what sorts of information does ARCOS contain?

A. ARCOS contains the manufacturers and distributors that are to report all transactions for Schedule I, Schedule II, Schedule III narcotics, and GHB, and manufacturers also have reported -- additional reporting requirements for some psychotropics.

Q. Okay. Would ARCOS contain all of the distributions of prescription opioids by manufacturers to distributors?

A. So the transactions for manufacture -- yes, manufacturer to a distributor? Yes.

Q. Would ARCOS contain all the

distributions of prescription opioids from distributors to pharmacies or other retail outlets?

A. For those items, yes.

Q. Does ARCOS data provide any details about those transactions, like the amount, the recipients --

A. Yes, it tracks the quantity. It has the DEA number of the registrant that -- whether it's a sale. It could be a sale, it could be a purchase. It could be a disposition of, you know, getting wasted. Any transaction that -- that could fall within the system that -- that's trackable, that would be in there, for those items.

Q. Okay. Through ARCOS, can DEA see the type of medication that's being purchased?

A. Well, it's in there by NDC number.

Q. Okay. And the NDC number would -- would allow the DEA to determine which product we are talking about?

BY MR. O'CONNOR:

Q. Yeah.

A. It says, "Ms. Duft explained the cash-back system which allows Mallinckrodt to view who their customers are selling to and to what products they are selling. Ms. Duft stated Mallinckrodt has been reviewing this system since last fall, though it's been available to them for several years." So they've had -- they've had the data for a few years.

Q. At any point before that time, had anyone at DEA ever told a manufacturer that it should review chargeback data?

MR. FINKELSTEIN: Objection to the scope.

Industrywide guidance was the authorization, but you can answer if you know.

THE WITNESS: I don't know.

BY MR. O'CONNOR:

Q. Just to be clear, at any

point before that time, had the DEA ever issued any industrywide guidance indicating that manufacturers should review chargeback data?

A. Not to my knowledge.

Q. Earlier you mentioned something about prescription data. Chargeback data doesn't involve prescription data, does it?

A. It depends what data -- for SearchPoint and ChoicePoint data that the pharmacies were selling to it.

Q. But SearchPoint data was not chargeback data, correct?

MR. FINKELSTEIN: Scope.

THE WITNESS: It was an exchange of money for their data, so...

BY MR. O'CONNOR:

Q. Is DEA aware of whether chargeback data provides information on every sale of the Schedule I and II opioids?

MS. SINGER: Objection.

Scope.

MR. FINKELSTEIN: Scope.

THE WITNESS: Schedule I?

BY MR. O'CONNOR:

Q. Schedule II and III.

A. I -- could you repeat the question?

Q. Yeah. Sure. I'm sorry, I did say Schedule I. Strike that. I'll ask a new question.

Is the DEA aware whether chargeback data provides information on every sale of Schedule II and Schedule III opioids?

A. I don't know that.

Q. Is DEA aware whether chargeback data provides information regarding every sale?

MR. FINKELSTEIN: Scope. If we don't get to something that's within his authorization pretty quick, I'm going to start instructing him not to answer.

But you can answer that

me that the way -- the way the program functioned, is more important than what's described on paper?

MR. FINKELSTEIN: Vague.

THE WITNESS: I don't know. You'd have to assess both to see. I mean, you would hope that it would function better, yes.

BY MR. O'CONNOR:

Q. Because what matters is whether the program identifies suspicious orders when they come in, correct?

MR. FINKELSTEIN: Objection. Vague.

THE WITNESS: What matters is, do you have an effective means to safeguard against diversion. That's what matters, because we're trying to protect the public.

BY MR. O'CONNOR:

Q. Does it say anywhere in the relevant regulations that registrants are required to have a written policy with respect to suspicious order monitoring?

A. No.

Q. Okay. You spent some time in the liaison policy -- or the policy liaison section, correct?

A. Correct.

Q. And could you describe for me the modes of communication that that office or other offices used to communicate guidance to the registrant community?

MR. FINKELSTEIN: Objection. Vague.

THE WITNESS: The -- it's basically two sections, or units. One is policy and the other one is liaison. I was in the liaison section. So that would be the interact -- pretty much the physical interaction with people, whether it's registrants or associations, that type, you know, where we're physically meeting with them or physically doing conferences, doing presentations,